

**1:30 P.M. – March 21, 2005**

**ROLL CALL** : Chairman Wade R. Davenport, Vice Chairman Michael L. Bates, Mr. Elliot H. Boone, Mr. Christopher Brown, Mr. Maurice W. Knowles, Dr. Lynn J. Shaw, Mr. Charles G. Westlund

***SWEARING OF WITNESSES:***

**A) CASES TO BE REMOVED FROM THE AGENDA:**

[illegible]

1. **CASE NO. W-7743-03-04: 4200 COUNTRY CLUB DR.:** John E. Hendershot, Jr.  
Owner/Appellant; {(Project No. 416121) (Council Dist. – 8)}
2. **CASE NO. C-7744-03-04: 475 E. 60<sup>TH</sup> ST.:** Patrick Stad, Owner. Ron Edison, Appellant.  
{(Project No. 324917) (Council Dist. – 9)} “Appeal with a time extension”

**OPPORTUNITY FOR PUBLIC COMMENTS:**

**NEW OR UNFINISHED BUSINESS:**

Nominations of Chairman and Vice-Chairman

**SET DATE FOR NEXT HEARING:** April 18, 2005

**MOTION FOR ADJOURNMENT:**

032105/dpf

**BOARD OF EXAMINERS, APPEALS AND CONDEMNATION**  
**MARCH 21, 2005**  
**AGENDA ITEM NO. 1**

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**CASE NO. W-7743-03-04: 4200 COUNTRY CLUB DR.:** John E. Hendershot, Jr.  
Owner/Appellant; {(Project No. 416121) (Council Dist. – 8)}

**Comments:** This is a **Weed Abatement Case**. There are \_\_\_\_ photos for the record. The property owner, John E. Hendershot, Jr., has requested in writing a public hearing regarding the Notice to Clean by the City for the removal of the overgrown vegetation projecting into the public right-of-way.

**On January 7, 2005**, staff received a phone complaint regarding overgrown vegetation projecting into the public right-of-way. The complaint was investigated; the property was posted with a “Notice to Clean”, and photos were taken.

**On January 13, 2005**, a “Notice to Clean” was mailed to the property owner by way of regular and certified mail, directing the owner to trim the tree to a height no less than 8’ above the public right-of-way. The return receipt was signed and received by the Department.

**On January 31, 2005**, staff received a letter from Mr. Hendershot, the property owner, requesting an appeal hearing of the “Notice to Clean”. With the letter, Mr. Hendershot included a copied photo of a person standing on the sidewalk, under a tree, with an umbrella held overhead. This document has been included in the staff report.

Further field investigation of the vegetation projecting over the public right-of-way revealed the following:

- height measurements of the projecting vegetation at the south side of the property ranged from 6’3” to 6’11”
- height measurements of the projecting vegetation at the north side of the property ranged from 6’2” to 7’4”
- height measurements of the projecting vegetation at the mid yard areas ranged from 5’9” to 7’9”

Evidence of these measurements (photographs) has been included for review.

**Suggested Board Action:** Conclude the hearing, adopt the findings of the Building Official as the Board’s findings, approve, modify, or deny the appeal to waive the “Notice to Clean” by the City, and order the owner to remove all overgrown vegetation projecting into the public right-of-way, to a minimum height of 8’ by **April 21, 2005**.

**BOARD OF EXAMINERS, APPEALS AND CONDEMNATION**  
**MARCH 21, 2005**  
**AGENDA ITEM NO. 2**

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**CASE NO. C-7744-03-04: 475 E. 60<sup>TH</sup> ST.,** Patrick Stad, Owner. Ron Edison, Appellant.  
{(Project No. 324917) (Council Dist. – 9)} “Appeal with a time extension”

**Comments:** This is a **Substandard Building Case**. There are \_\_\_\_ photos for the record. Mr. Ron Edison, the representative for Fifth Third Bank, which merged with Old Kent Mortgage Company, has requested in writing a time extension to comply with the Board’s determination of **January 13, 2005**, which required the owner to demolish or rehabilitate the structure as per Findings dated December 30, 2004 by **February 10, 2005**.

For record, this property was continued several times previously due to Community Development’s attempt to verify ownership, and possibly assist in a sale with an interested neighbor, Mr. Somerville.

As requested by the Board, Mr. Edison submitted with his request, a plan of action, which provided for a sale to a perspective buyer. The property was sold to Mr. Patrick Stad. Permits were obtained on March 3, 2005, but are now suspended, pending the Board’s decision. A recent inspection revealed that **10%** of the work has been completed. Although the property remains in violation, it has been maintained in a clean and secure manner since the last Board hearing.

**Suggested Board Action:** Conclude the hearing, approve, modify or deny the owners’ appeal for a time extension. Also order the owner to maintain the structure in a safe, clean and secure manner until the demolition or rehabilitation is completed by\_\_\_\_\_.